

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Takashi ASAKURA

Examiner: Soroush, Ali

Serial No.: 10/538, 073

Group Art Unit: 1616

Filed: 09 June 2005

Title: TITANIUM OXIDE PARTICLES HAVING USEFUL PROPERTIES AND METHOD FOR PRODUCTION THEREOF

**PETITION FOR WITHDRAWAL OF FINALITY
OF THE OFFICE ACTION OF 1 OCTOBER 2007**

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants filed an Amendment in response to the Office Action of 20 April 2007. Thereafter, on 1 October 2007, the Examiner issued a second Office Action on the merits that was made **Final**. In this Office Action, the Examiner withdrew the previous rejections under 35 USC § 103 and presented new rejections under 35 USC §102 and §103 citing a new reference, Saida et al.

The examiner alleges that the prior amendment necessitated the new ground of rejection. However, this is not true. As stated in the response filed 20 July 2007, the claims were amended in accordance with the allowed scope, which the Examiner sets forth at page 5 of the 20 April 2007 Office Action. This action was taken to expedite allowance. Furthermore, the prior amendment of claim 15 simply incorporated features of claim 16, which the Examiner indicated would be allowable.

Applicants respectfully submit that the Examiner, in withdrawing the rejections under 35 USC § 103 and presenting new grounds of the rejection, should not have made the Office Action

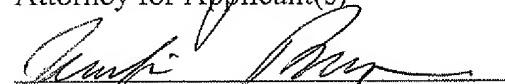
final. The new grounds of rejection are under a different section of the statute, i.e., §102 versus §103, and thus raise new issues not previously addressed. Applicants deserve a fair opportunity to respond to the new rejections.

Accordingly, the finality of the office action of 1 October 2007 is unjustified. It is respectfully requested that it be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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Attorney Docket No.: AKA-0284

Date: **28 November 2007**

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